

REMARKS

By this Amendment, an Abstract is submitted on a separate sheet of paper as required by the Office Action and the pending claims are amended merely to be in further conformance with U.S. practice. No new matter is added by this Amendment. Claims 1-23 are pending.

The Office Action indicated that claim 20 is allowable and a willingness to allow claims 3-7, 11-13, 17 and 22, providing that these claims were rewritten in independent form including all of the limitations of any base and intervening claims. However, Applicant delays rewriting these claims at this time so that the Examiner may fully reconsider the patentability of the base claims based on the following remarks.

The Office Action rejected claims 1, 2, 10 and 16 under 35 U.S.C. 102(e) as being anticipated by Fortman et al. (U.S. 5,987,100; hereafter "Fortman"). Claims 8 and 19 were rejected under 35 U.S.C. 103 as being obvious from the teachings of Fortman and Farris et al (U.S. 6,574,216; hereafter "Farris"). Claims 9, 14 and 18 were rejected under 35 U.S.C. 103 as being obvious from the teachings of Fortman and Ardalan et al. (U.S. 6,396,839; hereafter "Ardalan"). Claim 15 was rejected under 35 U.S.C. 103 as being unpatentable over Fortman, Ardalan and Van Renesse et al. (U.S. 6,208,651; hereafter "Van Renesse"). Claims 21 and 23 were rejected under 35 U.S.C. 103 as being unpatentable over Virtanen (U.S. 6,249,681) and Forman (U.S. 5,987,100).

Applicant traverses these rejections because the cited prior art, analyzed individually or in combination, fails to disclose, teach or suggest a method for delivering messages between a terminal in a telecommunications system, the method comprising "delivering messages through the same message service centre irrespective of the content type of the message; and employing the same protocol for the messages between the terminal and the message service centre," as recited in independent claim 1, and its dependent claims. Similarly, the cited prior art, analyzed individually or in combination, fails to disclose, teach or suggest a wireless telecommunications system comprising "at least one terminal which is able to receive messages of at least a first content type and a second content type, the content type indicating the presentation of the message contents; and a message service centre for transmitting messages of at least the first content type and the second content type between a terminal and a second party, the message service centre delivering said messages to the terminal as messages according to a first protocol," as recited in independent claim 10 and its dependent claims.

Further, the cited prior art, analyzed individually or in combination, fails to disclose, teach or suggest a message service centre comprising “interface means for receiving and forwarding messages of at least two different content types, the content types indicating the presentation of the message contents; and application means for delivering said messages addressed to the terminal in the telecommunications system and for receiving the messages received from the terminal using the same protocol,” as recited in independent claim 16 and its dependent claims.¹ Similarly, the cited prior art, analyzed individually or in combination, fails to teach or suggest a message service centre comprising “interface means for receiving messages of at least two different content types and for forwarding the messages to a terminal in the telecommunications system employing the same protocol for messages irrespective of a content type of a message, the content types indicating the presentation of the message contents; and application means for selecting a delivery route for each message on the basis of a predetermined condition or predetermined conditions”, as recited in independent claim 19 and its dependent claims.

Furthermore, the cited prior art, analyzed individually or in combination, fails to teach or suggest a mobile station comprising “a user interface through which the mobile station user can receive messages of at least a first content type and a second content type, the content type indicating the presentation of the message contents; and a controller for receiving messages of at least the first content type and the second content type using the same protocol,” as recited in independent claim 21 and its dependent claims.² Similarly, the cited prior art fails to teach or suggest a mobile station comprising “a user interface through which the mobile station user can send messages of at least a first content type and a second content type, the content type indicating the presentation of the message contents; and a controller for sending messages of at least the first content type and the second content type using the same protocol to a second party through the service centre in the same mobile communications system,” as recited in independent claim 23.

Fortman merely relates to a universal messaging center or mailbox that notifies subscribers of any type of message that is waiting for them, e.g., voice mail, fax mail, e-mail, etc., and allows subscribers to retrieve and respond messages in formats (corresponding to the content type of the present invention) independent not only of each other but also of the format in which the message was originally transmitted. As the Office Action recognized, the background section of Fortman teaches that the messaging center performs protocol conversion between the format employed by the messaging center and the various telecommunications formats employed by the diverse subscriber equipment. (column 1, lines 24-30).

However, the Office Action also asserted that “protocol conversions constitute using the same protocol” (last sentence of section 3 on page 4 of the Official Action). Nevertheless, neither Fortman nor the Office Action provides any basis for such a statement.

In fact, one of ordinary skill in the art would recognize that a protocol conversion from a first protocol to a second protocol would necessarily indicate that the same protocol is not being used. Thus, Fortman actually teaches away from the present invention as recited in claims 1, 10 and 16.

Furthermore, Fortman fails to teach or suggest anything regarding the protocol used when the message is transferred between the user terminal and the message service centre. Fortman merely discusses how to convert the format of the message to another format. Therefore, Fortman fails to disclose, teach or suggest employing the same protocol for transferring messages between the terminal and the message service centre irrespective of the content type of the message.

Farris fails to remedy the deficiencies of Fortman because Farris merely discloses a method and system for monitoring the quality of performance of voice calls routed through a data packet network. In Farris, if quality conditions are determined to be unacceptable in the data packet network, call routing is transferred to a voice telephone network without requiring termination of the call. However, Farris fails to disclose the feature of using the same protocol for transferring messages irrespective of the content type of the message. Therefore, a combination of Fortman and Farris also fails to teach or suggest using the same protocol for transferring messages irrespective of the content type of the message.

Ardalan also fails to remedy the deficiencies of Fortman because Ardalan merely teaches details related to TCP/IP protocol using packets of a particular size for messages. Therefore, a combination of Fortman and Ardalan also fails to teach or suggest using the same protocol for transferring messages irrespective of the content type of the message.

Van Renesse fails to remedy the deficiencies of Fortman and Ardalan because, Van Renesse merely discloses details of packet size checking and unpacking of messages. Therefore, a combination of Fortman, Ardalan and Van Renesse also fails to teach or suggest using the same protocol for transferring messages irrespective of the content type of the message.

Similarly, Virtanen fails to remedy the deficiencies of Fortman. As admitted by the Office Action, Virtanen fails to disclose the feature of using the same protocol for transferring messages of different content types. Therefore, a combination of Fortman and Virtanen fails to disclose, teach or suggest using the same protocol for transferring messages irrespective of the content type of the message.

Therefore, the cited prior art fails to disclose, teach or suggest a method, system and message service centre in which messages having different types of content are delivered between a user terminal and the message service centre employing the same protocol for transferring the message irrespective of the content type of the message.

All objections and rejections having been addressed, Applicant requests issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner contact Applicant's undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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